

REMARKS

Applicant first wishes to thank the Examiner for the telephone interview conducted on April 24, 2003, during which the Examiner's rejection under 35 U.S.C. §112 was discussed.

The Examiner has rejected claims 1-3, 5-6, 8-17, 19-36, 39-50 and 57-59 under 35 U.S.C. §112, second paragraph. The Examiner states that "it is not clear as to what the exocervix is."

The term "exocervix" is defined in U.S. Patent No. 6,130,538 as follows: "the exocervix is the portion of the cervix that protrudes into the vagina and is lined with stratified squamous epithelium" (col. 3, lines 56-58). This definition is confirmed by the attached pages from the online Dorland's Medical Dictionary (available at www.mercksource.com under "Health Library"). The term "exocervix" is well known in the medical field, and is used in a number of patents relating to medical devices, e.g., U.S. Patent No. 6,346,086.

In the present office action, the Examiner has maintained the rejection of Applicant's claims as unpatentable over various combinations of Lipfert, Shields and Goepp.

In Applicant's previous response, submitted January 23, 2003, Applicant addressed these rejections, and provided evidence of secondary considerations in support of patentability. Applicant maintains the position advanced in this response, but will not reiterate the arguments made therein in this response, for the sake of brevity.

In the present office action, the Examiner has not responded in any way to Applicant's arguments and evidence. Instead, the Examiner has simply repeated the previous rejections verbatim.

It is difficult for Applicant to effectively respond to the Examiner's rejections without an understanding of what the Examiner deemed insufficient in Applicant's remarks and declaration submitted on January 23, 2003. Thus, should the Examiner continue to maintain these rejections, Applicant respectfully requests a further, non-final office action with a full explanation of why the Examiner deems Applicant's arguments unpersuasive. Such an explanation will give the Applicant a fair opportunity to submit further arguments and/or evidence to address any shortcomings.

The Examiner has also newly rejected claims 33-36, 39-40 and 51 as anticipated by Goepp. Claim 51 was cancelled in Applicant's previous response, and thus the rejection is moot as applied to this claim. With regard to claim 33, Goepp does not teach or remotely suggest a kit

including a rim member dimensioned to fit an exocervix and including a substantially ring-shaped surface that, when the rim member is placed on the exocervix, faces toward the opening of the patient's vagina and to which curable material is applied. Nor does Goepp teach or suggest a kit including a rim member dimensioned to fit an exocervix, and a shell member dimensioned to be mounted on the rim member (claim 34). Instead, Goepp teaches forming a cap by placing the hollow cup 67 of an impression tray 65 over the cervix, and injecting a hardenable paste into the hollow cup using a syringe. While the hollow cup 67 has a lip 69, this lip is integral with the cup and cannot fairly be construed as a rim member. Nor does it define a ring-shaped surface that faces toward the opening of the patient's vagina and to which curable material is applied. With regard to claim 34, clearly the lip of the cup cannot be construed as a rim member on which a shell member is mounted. Thus, Goepp cannot anticipate claim 33 or 34. Claims 35-36 and 39-40 depend directly or indirectly from claim 34 and thus are patentable for at least the same reasons.

In view of the above remarks, Applicant respectfully requests that the Examiner withdraw the rejections under §§112, 102 and 103.

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E

exesion — extortor

exesion (ex·e·sion) (eg-ze'zh[schwa]n) [L. *exedere* to eat out] the gradual destruction of superficial parts of a tissue.

exfetation (ex·fe·ta·tion) (eks"fe-ta'sh[schwa]n) [ex- + L. *fetus*] ectopic or extrauterine pregnancy.

exflagellation (ex·flag·el·la·tion) (eks-flaj"[schwa]-la'sh[schwa]n) [ex- + L. *flagellum*] the rapid formation in the gut of the insect vector of microgametes from the microgamont in *Plasmodium* and certain other sporozoan protozoa.

exfoliatin (ex·fo·li·a·tin) (eks-fo"le-a'tin) [ex- + L. *folium* leaf] an erythrogenic, epidermolytic, heat-stable, acid-labile exotoxin produced by certain strains of *Staphylococcus aureus* (phage group II), which causes intraepidermal separation by disturbing the adhesive forces between cells in the stratum granulosum to give rise to the clinical manifestations of the scalded skin syndrome. Called also *epidermolysin*.

exfoliatio (ex·fo·li·a·tio) (eks"fo-le-a'she-o) [L., from *ex* away from + *folium* leaf] exfoliation.

exfoliatio area'ta lin'guae, benign migratory glossitis.

exfoliation (ex·fo·li·a·tion) (eks-fo"le-a'sh[schwa]n) [L. *exfoliatio*] 1.. a falling off in scales or layers. 2. the normal loss of deciduous teeth following loss of their root structure.

lamellar exfoliation of newborn, see *collodion baby*, under *baby*.

exfoliative (ex·fo·li·a·tive) (eks-fo'le-[schwa]-tiv") characterized by exfoliation.

exhalation (ex·ha·la·tion) (eks"h[schwa]-la'sh[schwa]n) [L. *exhalatio*, from *ex* out + *halare* to breathe] 1. the act of breathing out. 2. the giving off of watery or other vapor; see also *effluvium*. 3. a vapor or *effluvium* that is exhaled or given off. Defs. 1, 2, and 3 called also *expiration*.

exhale (ex·hale) (eks'h[amacr]l) [ex- + L. *halare* to breathe] 1. to expel from the lungs by breathing. 2. to give off a watery or other vapor. Defs. 1 and 2 called also

expire.

exhaustion (ex-haus-tion) (eg-zaws'ch[schwa]n) [ex- + L. *haurire* to drain] 1. a state of extreme mental or physical fatigue. 2. the state of being drained, emptied, consumed, or used up.

combat exhaustion, older term for a form of posttraumatic stress disorder in which the traumatic event is combat-related.

heat exhaustion, an effect of excessive exposure to heat, occurring among workers in hot places such as furnace rooms and foundries and sometimes in those under prolonged exposure to the sun's heat. It is marked by subnormal temperature, with dizziness, headache, nausea, and sometimes delirium or collapse. Distinguished from *heat stroke* and *sunstroke*, in which the body temperature may be dangerously elevated. Called also *heat prostration*.

postactivation exhaustion, **posttetanic exhaustion**, changes at the cellular level, such as decreased neuromuscular transmission, seen when repetitive nerve stimulation is performed a few minutes after intense neuromuscular activity; see also *postactivation depression* and *postactivation facilitation*.

Exhib. (Exhib.) abbreviation for L. *exhibetur*, let it be given.

exhibitionism (ex-hi-bi-tion-ism) (eg"z[ibreve]-bish'[schwa]-niz-[schwa]m) [DSM-IV] a paraphilia characterized by recurrent intense sexual urges and sexually arousing fantasies of exposing the genitals to an unsuspecting stranger. Exhibitionism occurs almost exclusively in males.

exhibitionist (ex-hi-bi-tion-ist) (eg"z[ibreve]-bish'[schwa]-nist) a person affected with exhibitionism.

exhumation (ex-hu-ma-tion) (eg"zu-ma'sh[schwa]n) [ex- + L. *humus* earth] disinterment; removal of the dead body from the earth after burial.

exitus (ex-i-tus) (eg's[ibreve]-t[schwa]s) pl. *exitus* [L. "a going out"] 1. *death*. 2. an exit or outlet.

exitus pel'vis, *apertura pelvis inferior*.

Exna (Ex-na) (eks'n[schwa]) trademark for a preparation of *benzthiazide*.

Exner's plexus (Ex-ner's plex-us) (eks'n[schwa]rz) [Siegmond *Exner*, Austrian physiologist, 1846–1926] see under *plexus*.

exo- (exo-) [Gr. *ex[omacr]* outside] a prefix meaning outside, or outward.

exoamylase (exo-am-y-lase) (ek"so-am'[schwa]-l[amacr]s) an amylase that catalyzes the cleavage of α -1,4-glucosidic bonds only at the nonreducing termini of polysaccharide chains. Cf. *endoamylase*.

exoantigen (exo-an-ti-gen) (ek"so-an't[schwa]-j[schwa]n) *ectoantigen*.

exocardia (exo-car-dia) (ek"so-kahr'de-[schwa]) *ectocardia*.

exocarp (exo·carp) (ek'so-kahrp) the outer layer of the pericarp of a flower.

exocataphoria (exo·cata·pho·ria) (ek'so-kat'[schwa]-for'e-[schwa]) [exo- + *cataphoria*] a phoria in which the visual axes turn downward and outward.

exocoele (exo·cele) (ek'so-s[emacr]l) extraembryonic coelom.

exocellular (exo·cel·lu·lar) (ek'so-sel'u-l[schwa]r) external to the cell membrane, yet still attached, e.g., flagella, capsule.

exocervix (exo·cer·vix) (ek'so-s[schwa]r'viks) portio vaginalis cervicis.

exochorion (exo·cho·ri·on) (ek'so-kor'e-on) that part of the chorion which is derived from the ectoderm, as in those species in which extraembryonic membranes form by folding.

exocoelom (exo·coe·lom) (ek'so-se'l[schwa]m) [exo- + *coelom*] extraembryonic coelom.

exocoeloma (exo·coe·lo·ma) (ek'so-se-lo'm[schwa]) extraembryonic coelom.

exocolitis (exo·co·li·tis) (ek'so-ko-li'tis) [exo- + *colitis*] inflammation of the outer coat of the colon.

exocrine (exo·crine) (ek'so-krin) [exo- + Gr. *krinein* to separate] 1. secreting outwardly, via a duct; Cf. endocrine. 2. denoting such a gland or its secretion. See also under *gland*.

exocrinology (exo·cri·nol·o·gy) (ek'so-kr[ibreve]-nol'[schwa]-je) the study of substances secreted externally by individual organisms which effect integration of a group of organisms.

exocrinosity (exo·cri·nos·i·ty) (ek'so-kr[ibreve]-nos'[ibreve]-te) the quality or state of secreting externally.

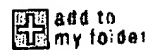
exocuticle (exo·cu·ti·cle) (ek'so-ku't[ibreve]-k[schwa]l) [exo- + L. *cuticula*] the outer layer of the procuticle of certain crustaceans and arthropods, which contains cuticulin, chitin, and phenolic substances that are oxidized to produce the dark pigment of the cuticle.

exocyclic (exo·cyc·lic) (ek'so-sik'lik) denoting one or more atoms attached to a ring structure but outside it.

exocytosis (exo·cy·to·sis) (ek'so-si-to'sis) 1. the discharge from a cell of particles that are too large to diffuse through the wall; the opposite of endocytosis. 2. the aggregation of migrating leukocytes in the epidermis as part of the inflammatory response.

exodeoxyribonuclease (exo·de·oxy·ri·bo·nu·cle·ase) (ek'so-de-ok'se-ri'bo-noo'kle-[amacr]s) [EC 3.1.11] any of a sub-subclass of enzymes of the hydrolase class that catalyze the hydrolysis of terminal bonds of deoxyribonucleic acids, releasing mononucleotides.

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porte-aiguille — positron

porte-aiguille (porte-ai-guille) (port" a-gwe') [Fr.] a surgeon's needle holder.

portepolisher, porte-polisher (porte-pol-ish-er, porte-pol-ish-er) (port-pol'ish-[schwajr]) a hand instrument constructed to hold a wooden point, to be used in a dental engine for applying polishing paste to and burnishing teeth.

Porter (Por-ter) (por't[schwa]r) Rodney Robert. British biochemist, 1917–1985; co-winner, with Gerald Maurice Edelman, of the Nobel prize for physiology or medicine in 1972, for his work on the chemical structure of antibodies, producing the Fc (fragment crystallizable) and the Fab (fragment antigen-binding) portions using pepsin.

Porter's sign (**Porter's sign**) (port[t'schwa]rz) [William Henry *Porter*, Irish physician, 1790–1861] tracheal tugging; see under tugging.

Porter-Silber chromogens, reaction (Porter-Silber chromogens, reaction) (port[*schwa*]r sil'b[*schwa*]r) [Curt Culwell *Porter*, American biochemist, born 1914; Robert Howard *Silber*, American biochemist, born 1915] see under *chromogen* and *reaction*.

Porteus maze test (**Porte-us maze test**) (por'te-[schwa]s) [Stanley David Porteus, Australian-born psychologist in United States, 1883–1972] see under *test*.

portio (por-tio) (por'she-o) [TA] pl. *portio*'nes [L.] portion; in anatomical nomenclature, a term used for a division of a larger structure. See also *pars* and *part*.

portio supravagina'lis cer'vix, [TA] supravaginal portion of cervix: the part of the cervix uteri that does not protrude into the vagina.

portio vagina'lis cer'vicis, [TA] vaginal portion of cervix: the part of the cervix uteri that protrudes into the vagina and is lined with stratified squamous epithelium; called also ectocervix and exocervix.

portion (por-tion) (por'sh[schwa]n) a part or division of a larger structure; called also *portio* [TA], *part*, and *pars*.

portiones (por-ti·o·nes) (por"she-o'n[emacr]z) [L.] plural of *portio*.